

**DECISION
GRAFTON PLANNING BOARD**

SPECIAL PERMIT (SP 2015-11)

**Installing of Second Wall Sign, Installation of a New Freestanding Directional Sign,
Replacement of two (2) Non-Compliant Signs, and Installation of Two (2) fixed Banners
Homefield Credit Union, 86 Worcester Street, North Grafton, MA**

Homefield Credit Union (Applicant / Owner)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Homefield Credit Union, 86 Worcester Street, North Grafton, MA 01536 (hereinafter the APPLICANT / OWNER), for a Special Permit under Section 4.4.4 (Special Cases / Relief) of the Grafton Zoning By-law for relief from the requirements for signs in a Community Business (CB) zoning district. Said petition seeks approval for: installation of second wall sign, installation of an additional single sided, directional sign for the drive through lanes, two double sided banners to be affixed to light posts for the property, and replacement of non-compliant entrance and exit signs at 86 Worcester Street, North Grafton, and shown on Grafton Assessor's Map 55, Lot 95 and owned by Homefield Credit Union by deed recorded in the Worcester District Registry of Deeds in Book 17023, Page 192.

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted on July 23, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 27 and September 2, 2015, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was held on September 14, 2015. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on September 14, 2015.

The following Board members were present throughout the public hearing: Chairman Sargon Hanna, Vice Chairman Michael Scully, Clerk Robert Hassinger, and Members Linda Hassinger and David Robbins. At the hearing, Attorney Joseph Antonellis presented the application to the Board on behalf of the Applicant.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound application materials submitted the Applicant / Owner, received on July 23, 2015, including the following:

- Application for Special Permit; 1 page.
- Certificate of Good Standing; signed by Treasurer /Collector on June 12, 2015; 1 page
- Certified Abutters List; signed by Assessors Office Manager; dated June 16, 2015; 1 page.

- Project Narrative, 2 pages.
- Photograph, Permit Request #1, South facing side of building; black & white, 8½ x 11”; no date; 1 page.
- Photograph, Permit Request #2, Shows distance between entrance and proposed sign location; black & white, 8½ x 11”; no date; 1 page.
- Photograph, Permit Request #2, South facing side of the building, sign to be located in mulched area; black & white, 8½ x 11”; no date; 1 page.
- Photograph, Permit Request #3, Lamp post on Homefield lot shows proposed location of fixed banner; black & white, 8½ x 11”; no date; 1 page.
- Photograph, Permit Request #3, Shows typical traffic activity with sign line to our entry way being blocked; black & white, 8½ x 11”; no date; 1 page.

EXHIBIT 2. Email correspondence from Town Planner to Kelly Benoit; RE: Special Sign Permit App; dated July 29, 2015; 3 pages.

EXHIBIT 3. Set of Photographs, Existing (conditions); submitted by Applicant; black & white, 8 ½ x 11”; received July 31, 2015; 3 pages.

EXHIBIT 4. Set of Photographs, Proposed; submitted by Applicant; black & white, 8 ½ x 11”; received July 31, 2015; 4 pages.

EXHIBIT 5. Site map / illustration showing proposed sign locations; color, 8 ½ x 11”; received July 31, 2015; 1 page.

EXHIBIT 6. Department Comment Form – Special Permit – Homefield Credit Union, SP 2015-11; Board of Health Comments; received August 20, 2015; 1 page.

EXHIBIT 7. Department Comment Form – Special Permit – Homefield Credit Union, SP 2015-11; Conservation Agent Comments; received August 20, 2015; 1 page.

EXHIBIT 8. Department Comment Form – Special Permit – Homefield Credit Union, SP 2015-11; Treasurer / Collector’s Office; received August 21, 2015; 1 page.

EXHIBIT 9. Public Hearing Sign-in Sheet, September 14, 2015; 1 page.

III. FINDINGS

At their meeting of _____ after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by _____, seconded by _____) voted - in favor to make the following Findings:

- F1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.

- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work shown on the Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3. That the subject site (as identified by the Applicant and shown in EXHIBIT #1 of this Decision) is located within a Community Business (CB) zoning district. The site is located within the Water Supply Protection Overlay District.
- F4. The Board finds that the Applicant is seeking approval for: installation of second wall sign, installation of an additional single sided, directional sign for the drive through lanes, two double sided banners to be affixed to light posts for the property, and replacement of non-compliant entrance and exit signs at 86 Worcester Street, North Grafton (See EXHIBIT #1.)
- F5. The Board finds that the Applicant's requests for new or modified signs requires relief pursuant to Section 4.4.4.4 regarding from the following sections: Section 4.4.4.3.1 – Exterior Signs; Section 4.4.4.3.2 – Directional and Informational Signs.

At their meeting of [REDACTED] after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by [REDACTED], seconded by [REDACTED]) voted [REDACTED] in favor to make the following Findings:

- F6. That during the public hearing the Board and the Applicant discussed the reason for the requested relief. The Owner, Homefield Credit Union, recently changed the bank's name from the Grafton Suburban Credit Union. The Application has several requests for sign relief that will help further identify the site with the new name (see FINDING #F7, #F9, #F10) or to direct traffic on site (see FINDING #F8).
- F7. That during the public hearing the Board and the Applicant discussed the request to install a second wall sign on the south facing side of the building (see EXHIBIT #4). The proposed sign is identical in size and design as the existing wall sign on the front (west) facing side of the building. The dimensions are: 9.6 feet long x 2.44 feet high for a total square footage of 23.4 feet. It was noted that the second proposed sign was intended to identify the bank for traffic travelling north along Worcester Street. The Applicant noted that the road alignment combined with the juxtaposition of the building on the site made it difficult to easily identify the bank in a timely and safe manner. In addition the primary, free standing sign at the front of the lot is not easily visible to those travelling north along Worcester Street. This combined with the close proximity of the bank's site entrance to the abutting site entrance (Koopman's retail / commercial plaza), has been the source of traffic issues including a number of accidents. The corner of the bank building is approximately 175 feet from the site entrance. The Applicant stated that the second wall sign on the south facing façade would be in the direct line of sight for those travelling north on Worcester Street and would provide for easier site identification thereby enabling motorists to enter the site in a safer and more timely manner.

The Board and the Applicant discussed this request based on the following requirements of the Zoning By-Law:

- **Section 4.4.3.4.1** – *If the store has a direct entrance into the store in a wall other than the store front, there may be a secondary sign affixed to such wall and, if the store has a wall other than the store front, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than two (2) secondary signs in any event.* The requested second wall sign meets all three of these criteria (see EXHIBIT #1 and EXHIBIT #4). It would be installed on the façade that has a limited access entrance / exit for the staff of the bank only and facing one of the site's parking areas.
- **Section 4.4.3.4.1** - *The display surface of each of the secondary signs shall not exceed six (6) square feet.* The proposed second wall sign exceeds this limit by approximately 75%. The Applicant stated six square feet allowed under this provision would not be large enough to identify the site for the traffic travelling north on Worcester Street. It was further noted that the southern façade of the building is first visible to the north travelling motorist. And while it is not the “front” of the building, it is the first and largest side of the building seen when travelling north along Worcester Street.
- **Section 4.4.3.4.1.3.C.1** – *For any building fully occupied by a single store / business, the area of the sign shall not exceed one and one-quarter (1 ¼) square feet for each lineal foot of the store wall to which the sign will be affixed;* The front of the building (not including the drive thru canopy) is approximately 75 feet x 1.25 allowable square footage for signage = 93.75 total square feet allowed for a wall sign. The existing wall sign on the front of the building is 24.4 square feet, well below the allowable maximum square footage. The Applicant stated that total square footage of the existing wall sign and the proposed second wall sign would be 46.8 square feet, approximately 50% less than the total maximum allowable square footage of 93.75. The Applicant acknowledged that the proposed second wall sign exceeds the allowed six square feet (Section 4.4.3.4.2) but it was well below the maximum square footage allowed under this section of the By-law.

In the Applicant's opinion, the proposed second wall sign is required due to circumstances unique to the site including setback, roadway alignment, juxtaposition of the building on the site, and the close proximity of the site's entrance to the abutting retail / commercial plaza.

- F8. That during the public hearing the Board and the Applicant discussed the requested new free standing, single sided sign to direct traffic around the back of the site to access the drive thru and automatic teller (ATM) lanes on the other side of the building. The sign would be placed near the southeast corner of the building in the existing landscaped area (see EXHIBIT #4). The Board notes that the Applicant submitted conflicting information regarding the size of the proposed sign. The narrative submitted with the original application stated that the proposed sign would be 2' x 3' feet for a total of six (6) square feet (see EXHIBIT #1). A later submission stated that the proposed sign would be 2.3 x 1.7 feet for a total of four (4) square feet (see EXHIBIT #4). The Board and the Applicant discussed this request based on the following requirements of the Zoning By-Law:

- **Section 4.4.3.4.2** – *Directional and Informational Signs – Directional or information assigns shall be limited to two (2) square feet in overall area.* The Applicant noted that

- motorists entering the site have no clear visual path to direct them around the back of the building to access the drive thru services. The angle of the building on the site and the lack of signage causes confusion of which direction to travel to access these services. The ATM machine located on the north side of the building is visible from Worcester Street. Some motorists have entered the site on the south side and have travelled around the front of the building and then turned into oncoming one way traffic of the drive thru lanes (see EXHIBIT #1). Additional signage on the south side of the site is, in the Applicant's opinion, an important safety improvement. The need for additional square footage is based on the distance from the site entrance to the rear of the building where the drive thru traffic needs to be directed. The Board asked if the Applicant had considered using directional arrows painted directly on the pavement. The Applicant did not see that as a viable option for a number of reasons including that the markings would be difficult to keep clear during snow events and the long term maintenance issues.
- F9. That during the public hearing the Board and the Applicant discussed replacement of entrance and exit signs which are currently non-compliant. The current signs are approximately 5.7 square feet in size (35" x 22.5") which exceed the allowable two (2) square feet for directional signs (Section 4.4.3.4.2). The Applicant is proposing to change the signs by inserting and replacing the new bank logo. No additional language or change is proposed to the size or location of either sign. The Applicant acknowledges that the existing signs are non-conforming but asks that the Board allow the ongoing non-compliance for safety reasons. Of particular concern was the entrance sign which is located at the southern edge of the site. This entrance is approximately 50 feet from the abutting retail / commercial plaza. The close proximity of the two entrances has been a source of numerous traffic conflicts and accidents. The larger entrance sign, while non-compliant, provides additional visibility in marking the site entrance which the Applicant sees as an important safety consideration.
- F10. That during the public hearing the Board and the Applicant discussed the request to install two (2) double sided banners, each 2.5 x 3.5 feet, to be affixed to two existing light posts located along the front of the site (see EXHIBIT #3 and #5). The Board notes that the Applicant submitted conflicting information regarding the size of the proposed banners. The narrative submitted with the original application stated that the proposed banners would be 1.5" x 2" feet for a total of three (3) square feet each (see EXHIBIT #1). A later submission stated that the proposed sign would be 2.5 x 3.5 feet for a total of 8.75 square feet (see EXHIBIT #4).
- The Applicant stated that the requested banners would provide for additional site visibility, especially for traffic travelling south on Worcester Street. The Board noted that banners are not allowed in the Zoning By-law. The Board notes that the Applicant could apply for relief pursuant to Section 4.4.4.3 – Use of one sign, which is not otherwise permitted by right by these By-laws, per lot. It is further noted that the Applicant did not submit a request for relief for this request in the Application.
- F11. That during the public hearing the Board solicited public comment. No public input was received.

At their meeting of _____ after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by _____, seconded by _____) voted - to make the following Findings:

- F12. That Section 4.4.4.2 of the ZBL provides for certain types of relief from the requirements of Section 4.4 (*Signs*), as specified in said Section, and that such relief may only be obtained through the issuance of a Special Permit granted by Planning Board. The Board also finds that Section 4.4.4.2 of the ZBL states the reasons and/or circumstances for which the Planning Board may consider granting relief from the requirements for signs, and that said section requires the Planning Board to make findings with regard to certain criteria defined in said Section. The Board further finds that this Application is being considered under subsection 4.4.4.2. of the ZBL, Special Cases / Relief.
- F13. That with regard to Section 4.4.4.2(a), public safety, convenience, and traffic-flow **will / will not** be improved by four of the requested signs (banners excluded). The Board **concurs / does not concur** with the Applicant's rationale for each request as stated in FINDINGS #F7, #F8, and #F9 but not for the request for the two banners (see FINDING #F10). The Board finds that the proposed signs and their locations **will / will not** have a negative impact on traffic flow (see FINDINGS #F7, #F8 and #F9).
- F14. That with regard to Section 4.4.4.2(a), the sign **will / will not** be a nuisance or a hazard to vehicles and pedestrians for four of the requested signs (banners excluded). The Board **concurs / does not concur** with the Applicant rationale for each request as stated in FINDINGS #F7, #F8, and #F9 but not for the request for the two banners (see FINDING #F10). The Board finds that the proposed locations of the four signs (banners excluded) **would / would not** create a traffic safety hazard to vehicles entering or exiting the site. The Board concurs with the Applicant's rationale for each request (banners excluded).
- F15. That with regard to Section 4.4.4.2(b), the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the second wall sign and the free standing directional sign for the drive thru lanes **should / should not** be permitted in the public interest based on the Exhibits and Findings. The Board **concurs / does not concur** with the Applicant's rationale regarding the need for additional visibility particularly for those travelling north on Worcester Street given the road alignment, juxtaposition of the building on the site and the distance from the site entrance to the building (see FINDINGS #F7 and #F8). With regards to the replacement of signage of the non-compliance entrance and exit signs, the Board **concurs / does not concur** with the Applicant's rationale for continued non-compliance (see FINDING #F9).
- F16. That with regard to Section 4.4.4.2(c), the sign **will / will not** cause visual confusion, glare, offensive lighting in the neighborhood or surrounding properties. None of the proposed signs will not be internally lit and therefore not generate glare. With regards to visual confusion, the Board finds that the four signs (banners excluded) and their locations **will / will not** add to the visual confusion of the area with regards to abutting and surrounding businesses. Both the second wall sign and the free standing directional sign for the drive thru lanes are set back from the road at a distance that does not add to nor detract from the surrounding properties (see EXHIBITS #4 and #5). With regards to the non-compliant entrance and exit signs, the

- Board **concurs / does not concur** with the Applicant's rationale for continued non-compliance (see FINDING #F9) in the interest of public safety.
- F17. That with regard to Section 4.4.4.2(d), the signs requested (banners excluded) pursuant to the Special Permit application **are / are not** necessary due to the topography or site conditions unique to the proposed locations of the signs. The Board **concurs / does not concur** with the Applicant's rationale regarding the second wall sign with regards to identifying the business more clearly for those motorists travelling north on Worcester Street (see FINDING #F7). The Board finds that the road alignment, juxtaposition of the building on the site and the distance from the street to the building **justifies / does not justify** the relief requested from Sections 4.4.3.4.1 and Section 4.4.3.2 of the By-law. The Board finds that topography **is / is not** a factor in this case.
- F18. That with regard to Section 4.4.4.2(e), that the site **does not** contain a unique and particular type of use that requires additional signage in order to identify the premises adequately. This is a pre-existing use that is consistent with the uses in Community Business zone in which it is located. No change in use is proposed (see FINDING #F6).
- F19. That with regard to Section 4.4.4.2(f), the four proposed signs in question (banners excluded) **are / are not** appropriately located and reasonably adapted to the proper use. The Board **concurs / does not concur** with the Applicant's rationale for the proposed second wall sign (see FINDING #F7 and #F17). The proposed new free standing sign to identify the path to the drive thru lanes and the replacement of the non-complying entrance and exit signs are directional, specific to on-site circulation and are found to be appropriately located.
- F20. That with regard to Section 4.4.4.2(g), the sign **will / will not** significantly alter the character of the zoning district or be a detriment to the surrounding area. See FINDING #F18.
- F21. That with regard to Section 4.4.4.2(h), the sign **will / will not** be detrimental to the public safety and welfare (see FINDING #F7, #F8, #F9).
- F22. That with regard to Section 4.4.4.2(i), the granting of the Special Permit **does / does not** derogate substantially from, and would be in harmony with, the intent and purposes of the Bylaw.

At their meeting of _____ after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by _____, seconded by _____) voted **_-_-** in favor to make the following Findings:

- F23. With regard to Section 1.5.5(a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, **are / are not** adequate. The Board finds that the proposed second wall sign and its location **will / will not** cause a vehicular or pedestrian safety hazard due to the set back distance from the front property line and the juxtaposition o

the building on the site as it relates to the road alignment particularly for those motorist travelling north on Worcester Street. (see FINDING #F7 and #F17).

- F24. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district **are / are not** satisfactory. The Board finds that the proposed signs will not present a glare hazard as they will not be internally lit (see EXHIBIT #4, FINDING #F16) and will not have a negative economic effect on surrounding properties (see FINDING #F18). The proposed sign will not generate any noise or odor effects. No off-street parking or loading areas are proposed with this Application (see EXHIBIT #1).
- F25. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas **are / are not** satisfactory. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
- F26. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character **are / are not** adequate. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
- F27. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect **is / is not** compatible and in harmony with properties in the district (see FINDINGS #F16, #F17, #F24)
- F28. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements **are / are not** adequate. The Board finds that this requirement does not apply to this Application based on the nature of the proposal.
- F29. With regard to Section 1.5.5(g) of the ZBL, that the proposed signs (banners excluded) and their use (as presented in the EXHIBITS stated within this Decision and by the Applicant during the public hearing) **is / is not** generally compatible with adjacent properties and properties in the district (see FINDING #F18).
- F30. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply.
- F31. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies.

- F32. With regard to Section 1.5.5(j) of the ZBL, that based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development **is / is not** satisfactory. No resources of these types were identified during the course of the public hearing.

IV. DECISION and CONDITIONS

At their meeting of _____ after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by _____, seconded by _____) voted **GRANT / DENY** this Special Permit. This approval is based on the following conditions:

- C1. This Special Permit specifically authorizes the following:
- Installation of second wall sign on the southern façade of the building specified by the Applicant and as further identified in EXHIBIT #4.
 - Installation of a 28" x 20", single sided sign as identified in EXHIBIT #4 and in the location identified in EXHIBIT #5.
 - Replacement of sign faces of the existing entrance and exit signs only. No other changes in location, size or materials are allowed (see FINDING #F9).
- C2. Unless specifically modified by this Decision, the signs authorized by this Special Permit shall be installed in accordance with, and maintained to conform to, the Conditions stated within this Decision, all applicable requirements of the Grafton Zoning Bylaw, and all applicable Federal, State and Local regulations.
- C3. The use of the sign authorized by this Special Permit shall be solely for the purposes noted within Condition #1 of this Decision. Changes to the sign presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the sign presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of such sign. Requests for such change(s) shall be submitted in writing to the Planning Board.
- C4. In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
- C5. This Special Permit shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number. Installation of the sign authorized by this Special Permit

Constituting a majority of the Planning Board, the following members voted **- to GRANT / DENY** the Applicant's Special Permit Application with Conditions for sign relief as described in this DECISION at 86 Worcester Street, North Grafton, based on the information received at the public hearing and the aforementioned findings.

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Date _____